



(Original Signature of Member)

108TH CONGRESS
2D SESSION

H. RES. _____

Creating a select committee to investigate the abuses of detainees held in United States custody in connection with Operation Iraqi Freedom, Operation Enduring Freedom, or any operation within the Global War on Terrorism, in particular those abuses that have been documented by thousands of photographs and on video at Abu Ghraib prison.

IN THE HOUSE OF REPRESENTATIVES

Mr. WAXMAN submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Creating a select committee to investigate the abuses of detainees held in United States custody in connection with Operation Iraqi Freedom, Operation Enduring Freedom, or any operation within the Global War on Terrorism, in particular those abuses that have been documented by thousands of photographs and on video at Abu Ghraib prison.

- 1 *Resolved*, That (a) until otherwise provided by law
- 2 there is hereby created the Select Committee to Inves-
- 3 tigate Detainee Abuses (hereinafter referred to as the "Se-

lect Committee”), to be composed of 14 Members of the House, of whom 7 shall be appointed by the Speaker (one of whom he shall designate as chairman) and 7 shall be appointed by the minority leader (one of whom she shall designate as vice chairman). Any vacancy occurring in the membership of the Select Committee shall be filled in the same manner in which the original appointment was made.

(b)(1) The Select Committee shall conduct a full and complete investigation of the abuses of detainees held in United States custody in connection with Operation Iraqi Freedom, Operation Enduring Freedom, or any operation within the Global War on Terrorism, in particular those abuses that have been documented by thousands of photographs and on video at Abu Ghraib prison, and make such findings and recommendations to the House as the select committee deems appropriate, including but not limited to the following:

(A) Why the abuses occurred.

(B) Whether any particular Department of Defense, Department of State, Department of Justice, Central Intelligence Agency, National Security Council, or White House policies, procedures, or decisions facilitated the detainee abuses.

(C) What policies, procedures, or mechanisms failed to prevent the abuses at Abu Ghraib.

1 (D) The extent to which detainee abuses took
2 place in detention facilities other than the Abu
3 Ghraib prison inside and outside Iraq.

4 (E) What legislative or executive actions should
5 be taken to prevent such abuses from occurring in
6 the future.

7 (F) To what extent, if any, Guantanamo Deten-
8 tion Center policies influenced policies at the Abu
9 Ghraib prison and other detention centers in and
10 outside Iraq.

11 (2) During the course of its investigation, the Select
12 Committee shall assess, analyze, and evaluate relevant
13 persons, policies, procedures, reports, and events including
14 but not limited to the following:

15 (A) The Military Chain of Command.

16 (B) The National Security Council.

17 (C) The Department of Justice.

18 (D) The Department of State.

19 (E) The Office of the White House Counsel.

20 (F) The approval process for interrogation tech-
21 niques used at Abu Ghraib and other detention fa-
22 cilities in Iraq.

23 (G) The Defense Intelligence Agency and the
24 Central Intelligence Agency.

1 (H) The integration of military police and mili-
2 tary intelligence operations to coordinate detainee
3 interrogation.

4 (I) The roles and actions of private civilian con-
5 tractors in the abuses at Abu Ghraib and whether
6 they violated the Military Extraterritorial Jurisdic-
7 tion Act or any other United States statutes and
8 international treaties.

9 (J) The role of nongovernmental organizations'
10 warnings to United States officials about the Abu
11 Ghraib abuses.

12 (K) The role of Congress and whether it was
13 fully informed throughout the process that uncov-
14 ered these abuses.

15 (L) The extent to which the United States com-
16 plied with the applicable provisions of the Geneva
17 Conventions of 1949, and the extent to which the
18 United States may have violated international law by
19 restricting the access of the International Committee
20 of the Red Cross to detainees.

21 (c) One-third of the members of the Select Committee
22 shall constitute a quorum for the transaction of business
23 other than the reporting of a matter, which shall require
24 a majority of the Select Committee to be actually present,
25 except that the Select Committee may designate a lesser

1 number, but not less than two, as a quorum for the pur-
2 pose of holding hearings to take testimony. The rules of
3 the House shall govern the Select Committee where not
4 inconsistent with this resolution. The Select Committee
5 shall adopt additional written rules, which shall be made
6 public, to govern its procedures, which shall not be incon-
7 sistent with this resolution or the rules of the House. Such
8 rules may govern the conduct of the depositions, inter-
9 views, and hearings of the Select Committee, including the
10 persons present.

11 (d)(1) For the purpose of carrying out this resolution,
12 the Select Committee may sit and act at any time and
13 place within the United States or elsewhere, whether the
14 House is in session, has recessed, or has adjourned and
15 hold such hearings as it considers necessary and to re-
16 quire, by subpoena or otherwise, the attendance and testi-
17 mony of such witnesses, the furnishing of information by
18 interrogatory, and the production of such books, records,
19 correspondence, memoranda, papers, documents, cal-
20 endars, recordings, data compilations from which informa-
21 tion can be obtained, tangible objects, and other things
22 and information of any kind as it deems necessary, includ-
23 ing classified, data, evidence, information, report, analysis,
24 document, or paper in the custody or control of any de-
25 partment, agency, officer or employee of the executive

1 branch of the Government, including any department,
2 agency, officer, or employee of the Government having the
3 power under the laws of the United States to investigate
4 any alleged criminal activities or to prosecute persons
5 charged with crimes against the United States and any
6 department, agency, officer or employee of the Govern-
7 ment having the authority to conduct intelligence inside
8 or outside the United States, without regard to any other
9 House committee, which it deems necessary for its inves-
10 tigation. Unless otherwise determined by the Select Com-
11 mittee, the chairman or vice chairman of the select com-
12 mittee, upon consultation with each other, shall authorize
13 and issue subpoenas. Subpoenas shall be issued under the
14 seal of the House and attested by the Clerk, and may be
15 served by any persons designated by the chairman or any
16 member. Deposition and affidavit testimony shall be
17 deemed to have been taken in Washington, DC, before the
18 Select Committee once filed with the clerk of the Select
19 Committee for its use. Unless otherwise determined by the
20 Select Committee, all depositions, affidavits, and other
21 materials received in the investigation shall be considered
22 nonpublic until received by the Select Committee, except
23 that all such material shall, unless otherwise determined
24 by the Select Committee, be available for use by the Mem-
25 bers of the Select Committee in open session.

1 (2) Such subpoenas may be used to obtain any mate-
2 rials (including but not limited to any books, checks, can-
3 celed checks, correspondence, communications, documents,
4 papers, physical evidence, records, recordings, photo-
5 graphs, video tapes or computer discs) the Select Com-
6 mittee deems relevant to its investigation from any depart-
7 ment, agency, officer or employee of the executive branch
8 of the Government, or any private person, firm, or cor-
9 poration.

10 (3) Provisions may be included in the rules and proc-
11 ess of the Select Committee to prevent the disclosure of
12 committee demands for information. The Select Com-
13 mittee may grant immunity to witnesses in exchange for
14 testimony or depositions it deems necessary for its inves-
15 tigation in accordance with the rules of the House.

16 (e) The chairman, or in his absence the vice chair-
17 man, or in their absence a member designated by the
18 chairman, shall preside at all meetings and hearings of
19 the Select Committee. All meetings and hearings of the
20 Select Committee shall be conducted in open session, un-
21 less a majority of members of the Select Committee voting,
22 there being in attendance the requisite number required
23 for the purpose of hearings to take testimony, vote to close
24 a meeting or hearing.

1 (f) The chairman (upon consultation with the vice
2 chairman) may (1) appoint and fix the compensation of
3 any staff that the chairman considers necessary and fix
4 the compensation of such staff at per annum gross rates
5 that do not exceed the highest rate of basic pay, as in
6 effect from time to time, of level IV of the Executive
7 Schedule in section 5316 of title 5, United States Code,
8 and (2) terminate the employment of any such staff as
9 the chairman considers appropriate. The Select Committee
10 may reimburse the members of its staff for travel, subsist-
11 ence, and other necessary expenses incurred by them in
12 the performance of the their functions for the Select Com-
13 mittee, other than expenses in connection with any meet-
14 ing of the Select Committee held in the District of Colum-
15 bia. Staff of the House, at the direction of their Members,
16 committee chairmen, or the Speaker, as appropriate, and
17 upon request of the Select Committee, may serve as asso-
18 ciate staff to the Select Committee for designated pur-
19 poses. Associate staff shall be deemed staff of the Select
20 Committee to the extent necessary for those designated
21 purposes.

22 (g) The Select Committee may procure the temporary
23 or intermittent services of experts and consultants in ac-
24 cordance with sections 3109(b) of title 5, United States
25 Code, but at rates not to exceed the daily equivalent of

1 the maximum annual rate of basic pay for GS-15 of the
2 General Schedule.

3 (h) Unless otherwise determined by the Select Com-
4 mittee, the chairman (upon consultation with the Vice
5 Chairman) or the Select Committee may authorize the
6 taking of affidavits and of depositions pursuant to notice
7 or subpoena by a Member or by designated staff, under
8 oath administered by a Member or a person otherwise au-
9 thorized by law to administer oaths. Deposition and affi-
10 davit testimony shall be deemed to have been taken in
11 Washington, DC, before the Select Committee once filed
12 there with the clerk of the Select Committee for its use.
13 Unless otherwise directed by the Select Committee, all
14 depositions, affidavits, and other materials received in the
15 investigation shall be considered nonpublic until received
16 by the Select Committee, except that all such material
17 shall, unless otherwise directed by the Select Committee,
18 be available for use by the Members of the Select Com-
19 mittee in open session.

20 (i) The Select Committee shall be authorized to re-
21 spond to any judicial or other process, or to make any
22 applications to court, consistent with rule VIII of the
23 Rules of the House.

24 (j) The Select Committee shall provide other commit-
25 tees and Members of the House with access to information

1 and proceedings, consistent with clause 11(g)(3) of rule
2 X of the Rules of the House, except that the Select Com-
3 mittee may direct that particular matters or classes of
4 matter shall not be made available to any person by its
5 members, staff, or others, or may impose any other re-
6 striction. The Select Committee may require its staff to
7 enter nondisclosure agreements, and its chairman, in con-
8 sultation with the vice chairman, may require others, such
9 as counsel for witnesses, to do so. The Committee on
10 Standards of Official Conduct may investigate any unau-
11 thorized disclosure of such classified information by a
12 Member, officer, or employee of the House or other cov-
13 ered person upon request of the Select Committee. If, at
14 the conclusion of its investigation, the Committee on
15 Standards of Official Conduct determines that there has
16 been a significant unauthorized disclosure, it shall report
17 its findings to the House and recommend appropriate
18 sanctions for the Member, officer, employee, or other cov-
19 ered person consistent with clause 11(g)(5) of rule X of
20 the Rules of the House and any committee restriction, in-
21 cluding nondisclosure agreements.

22 (k) There shall be paid out of the applicable accounts
23 of the House such sums as may be necessary for the ex-
24 penses of the Select Committee. Such payments shall be
25 made on vouchers signed by the chairman of the Select

1 Committee and approved in the manner directed by the
2 Committee on House Administration. Amounts made
3 available under this subsection shall be expended in ac-
4 cordance with regulations prescribed by the Committee on
5 House Administration.

6 (1)(1) As soon as practicable, but not later than 6
7 months after the date of adoption of this resolution (or
8 not later than such later date as may be established jointly
9 by the chairman and vice chairman), the Select Committee
10 shall submit to the House a report setting forth the final
11 results of its investigation and study, together with such
12 recommendations for legislation or other matters as it
13 deems advisable. Prior to the submission of its final re-
14 port, the Select Committee may submit such interim re-
15 ports as it considers appropriate.

16 (2) The Select Committee shall cease to exist one
17 month after the filing of its final report.

18 (3) Any report made by the Select Committee shall
19 be referred to the committee or committees that have ju-
20 risdiction over the subject matter of the report.

21 (4) Upon dissolution of the Select Committee, the
22 records, files, and materials of the Select Committee shall
23 be transferred to the Clerk of the House, who may, as
24 directed by the Select Committee, store records in secure

1 facilities of the intelligence community pursuant to agree-
2 ment retaining control of access by the House.

3 (5) If any equipment is purchased by the Select Com-
4 mittee, then upon its dissolution, the Chief Administrative
5 Officer shall make such equipment available to Members,
6 Committees, or other entities of the House, under the di-
7 rection of the Committee on House Administration.

8 (m) It is the sense of the House that, if the com-
9 mittee to which this resolution is referred does not act
10 upon this resolution within 30 legislative days, then such
11 committee should be discharged from its consideration.